

REMARKS

Claims 1-11 and 16-18 are pending in the application with Claims 1, 6 and 11 as the independent claims. Claims 12-15 were cancelled. The Examiner rejected Claims 1-2 and 6-7 under 35 U.S.C. §103(a) as being unpatentable over *Koster* (U.S. Patent No. 6,240,293) in view of *Giuhat et al.* (U.S. Patent No. 5,881,145); Claims 3-5 and 8-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Koster* in view of *Giuhat* and further in view of *Mazzarella* (U.S. Publication No. 2002/0107011).

It is gratefully acknowledged that in the Office Action, the Examiner has allowed Claims 11 and 16-18, which depend upon allowed independent Claim 11.

Reconsideration of the present application is respectfully requested.

Koster discloses a system for processing wireless calls, which allows subscribers to port from one wireless service provider to another. Each mobile switching center stores a table containing a list of office codes for various directory numbers. Each office code in the table has a corresponding entry that indicates the portability of the office code.

Mazzarella discloses a method of subscriber initiated porting of a wireless number for a mobile station, a new service provider receives a porting request sent by a subscriber, and sends a profile request to a current service provider of the subscriber in response to the porting request.

Regarding the rejection of Claims 1 and 6 under 35 U.S.C. §103(a), the Examiner states that the combination of *Koster* and *Giuhat* teaches each and every limitation of Claims 1 and 6. More specifically, the Examiner states that *Koster* teaches each and every limitation of Claims 1 and 6 except for a first mobile switching center (MSC) for receiving a call request signal with calling terminal information and called terminal information, determining an initial service provider of a called terminal from the called terminal information and transmitting the call request signal to a communication network formed by the determined initial service provider of the called terminal, which the Examiner states is taught by *Giuhat* in col. 6, line 1-9. Applicant respectfully disagrees.

Specifically, the Examiner alleges that Koster at col. 6, lines 53-55 teaches “a second MSC for determining a changed service provider of the called terminal based on the called terminal information included in the call request signal transmitted from the first MSC, and transmitting the call request signal to a communication network formed by the determined service provider.”

The cited passage is reproduced here for ease of comparison with an inventive feature of the invention.

In prior art systems, the donor service provider checks the NPDB to determine whether or not a subscriber has ported to another service provider. If the subscriber has ported, the service provider uses the LRN 250 to route the call to the ported service provider. In the prior art, however, no clear criteria exist for determining when a service provider should query the NPDB relative to querying the HLR or how to distinguish vacant numbers from ported out numbers. In the present invention, the service provider uses information stored in the MSC to determine when the NPDB should be accessed relative to the HLR and to process the call based on the information in the MSC and the results of the NPDB and HLR queries.

As can be seen from the above passage, Koster does not teach “a second MSC for determining a changed service provider of the called terminal based on the called terminal information included in the call request signal transmitted from the first MSC.”

Furthermore, Claim 1 recites in part a second MSC, which receives a call request transmitted from the first MSC and a third MSC, which receives the call request transmitted from the second MSC. This arrangement is not disclosed, taught or fairly suggested by Koster and Giuhat, combined or alone. Accordingly, the Examiner fails to make a prima facie case of obviousness as to Claims 1 and 6.

In addition, the present invention discloses determining a changed service provider using called terminal information in a communication network formed by an initial service provider, while Giuhat only discloses routing a call to recipient network node using a ported directory number in intermediate network node. Namely, Giuhat merely discloses intercepting the call at a predetermined intermediate network node between an originating network node and a donor network node.

More importantly, analysis under 35 U.S.C. § 103(a) requires consideration whether the prior art would have revealed that one of ordinary skill would have had a “reasonable expectation of success” in making the modification or combination. In re Vaeck, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed Cir. 1991). “Success” refers to whether a proposed modification or combination would have actually produced a claimed invention. See In re Naylor, 369 F.2d 765, 768, 152 USPQ 106, 108 (CCPA 1966). Applicant respectfully submits that the proposed combination of Giuhat

would have actually produced a claimed invention. See *In re Naylor*, 369 F.2d 765, 768, 152 USPQ 106, 108 (CCPA 1966). Applicant respectfully submits that the proposed combination of Giuhat with Koster would fail to produce the feature of determining an initial service provider from the called terminal information as claimed.

Independent Claims 1, 6 and 11 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-5, 7-10 and 16-18, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-5, 7-10 and 16-18 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-11 and 16-18, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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